GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Cooperation Department – Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa – Dereliction of duties entrusted to him - Initiation of Disciplinary action Under of APCS (CCA) Rules, 1991 - Articles of charges – Orders - Issued.

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AGRICULTURE AND COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 806 Dated: 13-12-2017

Read:-

From the Special Commissioner and Registrar of Cooperative Societies, A.P., Guntur, Letter Rc.No.2474/2016 SG, dated:25.08.2016.

ORDER:-

It is proposed to hold an inquiry against Sri B.Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa, in accordance with the procedure laid down in Rule 20 of the AP Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom the article of charges are proposed to be sustained are also enclosed (Annexure II and III).

3. Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa is directed to appear before the disciplinary authority within 10 days of the receipt of this charge memo and submit a written statement of his defense.

4. Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. The attention of Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa is invited to Rule 24 of the APCS (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that the said Sri B. Pome Naik, District Cooperative Officer, Kadapa is aware of such a representation and that it has been made at his instance and action will be taken against his for violation of Rule 24 of the APCS (Conduct) Rules, 1964.

7. The receipt of this order shall be acknowledged forthwith.

P.T.O.

(BY THE ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B. Pome Naik, Special Cadre Deputy Registrar, the then District Cooperative Officer, Kadapa through Spl.CC&RCS, A.P., Guntur, with a request to serve the Charge Memo to the Charged Officer and obtain the dated acknowledgment from him.
Copy to:-
The Special Commissioner and Registrar of Cooperative Societies, A.P., Guntur.
SF/SF.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE –I

Statement of Articles of Charge framed against Sri B.Pome Naik, Special Category Deputy Registrar / District Coop. Officer, Kadapa (U/s)

Article of Charge 1:-

That the action of Sri B.Pome Naik, SCDR/ District Cooperative Officer, Kadapa (U/s) in submitting the proposals to the District Collector, Kadapa for dropping further action on surcharge proceedings initiated as per Sec. 51 Inquiry conducted into the affairs of DCMS Kadapa to save the delinquents which amounts to dereliction of duties.

Basis of Charge : -

As per the Lr. Rc. No.9/2015-M.D.Peshi, dated 25.01.2016 of the Additional Registrar/Managing Director, AP Housefed, Hyderabad and the report of V&E authorities revealed certain irregularities are taken place in the transaction of DCMS in distribution of seeds to the sales points. They have fixed responsibility against the officers of Agrl. Dept. employees of DCMS and seed agencies. As per the instructions of the Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad vide Letter Rc.No. 5308/2010 dt. 09.03.2010 the District Collector, Kadapa issued directions U/s 59 of APCS 1964 to the Managing Committee members of DCMS, Kadapa to place Sri A.Bala Swamy Reddy, Branch Manager, DCMS Kadapa under suspension and vide proceedings Rc.No. 816/2010-D, dt. 11.03.2010 ordered for conduct of 51 Inquiry under APCS Act 1964 into the affair of DCMS and appointing the then DLCO, Kadapa as Inquiry Officer.

Based on the findings of 51 Inquiry report which supports the report of V&E authorities Srucharge Proceedings were initiated U/s 60 of the APCS Act 1964.

Meanwhile Commissioner of enquiries has conducted enquiry based on the report of V&E Dept., and submitted his report that the charges against all the officers are not proved. The Commissioner of Inquiries, AP, Hyderabad in his report bestowed more importance to the aspect of distribution of subsidesed ground nut seeds to the farmers through examination of witnesses and records available. But not stressed the aspect of transportation of seed to the sale points in which irregularity was taken place. Based on this report which kept the findings of V&E authorities and section 51 Inquiry officer in shade the District Cooperative Officer, Kadapa has proposed to the District Collector Kadapa for dropping further action on Surcharge Proceedings in so far as its relates to distribution of subsidized groundnut seeds to farmers during Khariff 2009, The District Collector without dropping the above item under Surcharge Proceedings called for further information from the Agrl. Dept while the surcharge proceedings are in progress. The District Cooperative Officer, Kadapa has appointed one Sri Abraham, Assistant Registrar to enquire into the complaints given by Sri G.Narayan Yadav, State Convener, AP B.C.Mahasabha, Kadapa vide Memo Rc.No. 880/2015-D-1 dated 12.03.2015. The Enquiry Officer was fixed responsibilities for the misappropriated amounts to the tune of Rs. 45,11,693.13 in DCMS Kadapa. Thus the DCO, Kadapa is irresponsible in discharge his duties and hence the charge.

P.T.O.

In view of the above, it is observed that the District Cooperative Officer, Kadapa has tried to mislead the District Collector in recommending to drop the Surchage Proceeding with an initiaation to help the culprits which amounts to dereliction of duties.

Hence the Charge.

Article of Charge 2:-

That Sri B.Pome Naik, SCDR/ District Cooperative Officer, Kadapa (U/s) has violated the APCS Rules 1964 in recommending the Dist. Collector Kadapa to order Section 52 inspection into the affairs of DCMS Kadapa to District Collector, Kadapa after lapse of more the 6 months from the date of receipt of primefacie report (which reveals huge irregularities in the affairs of the society) from the Asst.Registrar (Sri. Abraham) instead of filing criminal cases against the culprits which amounts dereliction of duties.

Basis of Charge : -

In the report vide Lr. Rc. No.9/2015-M.D.Pesi, dated 25.01.2016 the Additional Registrar/Managing Director, AP Housefed, Hyderabad has reported that the District Cooperative Officer, Kadapa appointed Sri. Abraham, Assistant Registrar to submit a detailed report on News Item published in Eenadu on 12-03-2015, and he submitted his report on 22-04-2015. As per the report of Sri Abraham there is a primefacie evidence that there are serious irregularities in the affairs of the DCMS, Kadapa during the year 2013-14. The District Cooperative Officer instead of filing criminal cases against the culprits circulating the file to District Collector, Kadapa for ordering inquiry/Inspection into the affairs of the society. The DCO failed to initiate Criminal action against the delinquents basing on the primefacie evidence with regard to misappropriation of funds in the DCMS, Kadapa during the year 2013-14 as reported by the Department Officials thereby failed to discharge his duties diligently acted in a negligent manner. The District Cooperative Officer Kadapa instead of taking action for filing criminal cases against the culprits and recovering the amounts from the delinquents simply issuing notices to them and got ordered inspection U/s (52) of the APCS Act, 1964 by the District Collector, Kadapa into the books and accouns of DCMS, Kadapa stating that Rs. 14.38 Lakhs were recovered from the defaulters. But, as per the deposition of present Branch Manager, DCMS, Kadapa most of the amount was collected only from the PACS and the delinquents who cheated the DCMS Kadapa are left scot free. The District Cooperative Officer, Kadapa instead of waiting for the statutory inspection report which may cause some time straight away take action for filing criminal cases and attaching the properties of delinquents U/s 73 of APCS Act 1964 based on the primefacie material evidence available with him.

Article of Charge 3:-

He failed to conduct Periodical Inspections of DCMS, Kadapa which is resulted in misappropriation and irregularities by the officials of DCMS thereby caused loss to the funds of DCMS and degrade the prestige of the institution which shows his negligent attitude in discharging his lawful duties entrusted. Hence, the charge.

Cont...5

Basis of Charge

The Additional Registrar AP Housefed reported that it is the responsibility of District Cooperative Officer, Kadapa to conduct periodical inspection of DCMS, Kadapa the DCMS is the District Socieity. As seen from the records the inspection notes was prepared by the Additional Registrars from 01.04.2013 to 30.09.2014. And Sri B.Pome Naik, SCDR Under Suspension the then DCO, Kadapa has not visited the DCMS, Kadapa and conducted periodical inspection of the DCMS, Kadapa. This clearly shows the negligence on the part OF Sri B.Pome Naik, SCDR under suspension. Hence, the charge.

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE – II

List of documents by which the Articles of Charge framed against Sri B.Pome Naik, Special Category Deputy Registrar / District Coop. Officer, Kadapa are proposed to be sustained

i. Report in Lr. Rc. No.9/2015-M.D.Pesi, dated 25.01.2016 of the Additional Registrar/Managing Director, AP Housefed, Hyderabad.

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE –III

List of witnesses by whom the Articles of Charge framed against Sri B.Pome Naik, Special Category Deputy Registrar / District Coop. Officer, Kadapa are proposed to be sustained.

- NIL -

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER